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OFFICE OF PETITIONS

In re Application of :
McDaniel, et al. :
Application No. 09/750,204 : ON PETITION
Filed: December 28, 2000 :
Attorney Docket No. CORE-76 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file an Appeal Brief. A final Office action was mailed on May 22, 2003. This Office action set a shortened statutory period for reply of three months. Applicant filed a Notice of Appeal on November 28, 2003, made timely by purchasing a three month extension of time and including a Certificate of Mailing dated November 24, 2003.¹ Accordingly, applicants had two months (extendable under 37 CFR 1.136(a)) to file an Appeal Brief in triplicate. No Appeal Brief having been received, the above-identified application became abandoned on January 29, 2004. A Notice of Abandonment was mailed on September 9, 2004.


¹ November 22nd and 23rd fell on a Saturday and Sunday, respectively.
See 37 CFR 1.7(a).

With the instant petition, applicants paid the petition fee, made the proper statement of unintentional delay, and filed the required reply in the form of a Request for Continued Examination (RCE) and the submission in the form of an Amendment.

The petition fee of \$1,500 and the RCE fee of \$790 have been charged to Deposit Account No. 50-2569, as authorized.

The application file is being forwarded to Group Art Unit 2877 for consideration of the RCE and the Amendment, both filed December 17, 2004.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo". The signature is stylized with a large "C" and a long, sweeping underline.

Cliff Congo
Petitions Attorney
Office of Petitions